

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CIVIL CASE NO. 2:11cv45

GUY J. TAYLOR,)
Plaintiff,)
vs.)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)

ORDER

THIS MATTER is before the Court on the Plaintiff's Notice of Motion and Motion for Judgment on the Pleadings [Doc. 16] and the Defendant's Motion for Summary Judgment [Doc. 17].

Pursuant to 28 U.S.C. § 636(b) and the Standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell was designated to consider these motions and to submit recommendations for their disposition.

On February 15, 2013, the Magistrate Judge filed a Memorandum and Recommendation in which he recommended denying the Plaintiff's Motion for Judgment on the Pleadings and granting the Defendant's Motion

for Summary Judgment. [Doc. 20]. The parties were advised that any objections to the Magistrate Judge's conclusions and recommendations were to be filed in writing within fourteen days of service of the Recommendation and that failure to file objections to the Memorandum and Recommendation would preclude the parties from raising any objection on appeal. [Id., at 11]. The period within which to file objections expired on March 4, 2013 and no written objections to the Memorandum and Recommendation have been filed by either party.

Having conducted a careful review, the Court concludes that the Magistrate Judge's recommendation is supported by the record and the law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation.

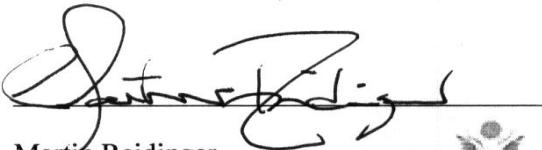
ORDER

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Judgment on the Pleadings [Doc. 16] is hereby **DENIED**.

IT IS FURTHER ORDERED that the Defendant's Motion for Summary Judgment [Doc. 17] is hereby **GRANTED** and the Defendant's decision is hereby **AFFIRMED**.

The Clerk of Court is instructed to enter Judgment simultaneously
herewith.

Signed: March 5, 2013



Martin Reidinger
United States District Judge

